

## REMARKS

Claims 1, 3-14, 16-28 and 30-32 are currently pending in this application.

The office action indicated that claim 15, which depended on claim 1, would be allowable if rewritten in independent form. Accordingly, independent claim 1 has been amended to include the features of prior claim 15 and should be allowable in accordance with the 4<sup>th</sup> full paragraph on page 7 of the action. Claim 22 has been amended to depend on claim 1, as amended, instead of claim 21 and to delete reciting "the ear end wall" for which there is no antecedent basis.

The office action further indicated that claim 22, which depended on claims 1 and 21, would be allowable if rewritten in independent form. The action further indicated that the case aperture feature of claim 21 "is extremely well known in the art" and took official notice that this feature would have been obvious to one of ordinary skill in the art. A new independent claim 30 has been added that combines the features of prior claims 1 and 22, but omits the case aperture feature of claim 21 as being unnecessary to patentability in accordance with the official notice taken by the Office. Accordingly, independent claim 30 should be allowable in accordance with the 4<sup>th</sup> full paragraph on page 7 of the action.

Except for their dependency, claim 31 is the same as original claim 23 and claim 32 is the same as previously presented claim 28. Claims 31 and 32 are dependent on claim 30 and should be allowable along with this parent claim.

Claims 24 and 26-29 were rejected as being anticipated by Shibazaki (Patent No. JP 8-154119). Claim 25 was rejected as being obvious from Shibazaki in combination with Vanmoor (US Patent No. 5,778,062). To the contrary, these applied references do not in any way disclose or make obvious a phone case made of flexible material wherein mouth and ear end portions each have a fold line and a bottom wall also has a fold line, and wherein these fold lines are arranged to cooperate so that

"opposing sidewalls may be brought into abutment" to place the case in a collapsed condition, as shown in Figs. 11-14 of the application. Claim 24 has been amended to further describe this feature of the invention.

To the contrary, Shibazaki suggests only a mechanical folding mechanism comprising a pair of transversely extending rotary shafts 5,5 that provide articulation between a mouthpiece part 4 and an earpiece part 3. Neither the part 3 nor the part 4 include any fold lines.

With respect to Vanmoor, this reference suggests only "creases 50" in the sidewalls of a voice reflector cap 20, which is mounted on the microphone end of a cellular telephone (col. 1, line 49-53, and col. 4, lines 60-64) in such a manner that its sidewalls cannot be brought into abutment. Note particularly that "Fig. 8 is a side-elevational view" of the voice reflector cap 20 (col. 3, lines 38-39).

Accordingly, claims 24-29 are believed to be patentable, and withdrawal of the rejections thereof is earnestly requested.

In view of the foregoing amendments and remarks, it is believed that all of the claims as now presented are allowable under 35 U.S.C., Sections 102, 103 and 112. Accordingly, reconsideration of the application and allowance of these claims are respectfully requested. If for any reason the application is not in condition for further examination and allowance, the undersigned would appreciate a call to the telephone number given below, or an e-mail to the address given below.

#### **DEPOSIT ACCOUNT AUTHORIZATION**

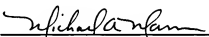
It is not believed that an extension of time or any fees, other than those presented herewith, are required. However, in the event that extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR 1.136(a), and any additional fees required for consideration of this paper, including fees for the

net addition of claims, are hereby authorized to be charged to our Deposit Account No. 080719.

If any designated extension fees, or other designated fees, are not required or are in excess of the amount required, the Director is hereby authorized to credit any such overpayment to Deposit Account No. 080719.

Respectfully submitted,

Date: 8/13/2008

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